

OPENING STATEMENT OF THE HONORABLE MELVIN PRICE, CHAIRMAN, SUBCOMMITTEE NO. 1,
ON
H.R. 5621 AND S.1038

Wednesday, December 5, 1973

We meet this morning to consider two bills. The first is H.R. 5621, a bill to provide for the presentation of a flag of the United States for deceased members of the National Guard and Selected Reserve.

The purpose of the bill is to authorize the appropriate Service Secretaries to pay the necessary expenses incident to the presentation of a flag to the person designated to direct the disposition of the remains of a member of the National Guard or a Reserve of an armed force under his jurisdiction who is in the Selected Reserve and who is not covered by Section 1481 of Title 10, United States Code, and who dies under honorable circumstances as determined by the Secretary.

Under present law (Section 1482 of Title 10, United States Code), the Secretary concerned may pay the necessary expenses of furnishing and presentation of a flag incident to the recovery, care, and disposition of the remains of decedents covered by Section 1481 of Title 10, United States Code.

Flags may not be furnished where the deceased person was a military prisoner who died while in custody of the Secretary under a court-martial sentence which included a discharge.

In addition, those members not included in Section 1481 of Title 10, United States Code, and who, therefore, would not be entitled to the benefits of Section 1482 of Title 10, United States Code, may be veterans within the meaning of Section 901, Title 38, United States Code. In the case of such veterans, a flag may be presented by the Administrator of Veterans Affairs.

To understand what this means, I think it is essential that we look at those people covered under Section 1481 of Title 10, and Section 901 of Title 38,

United States Code. Flags now may be presented to the person designated to direct the disposition of remains to (1) any Regular of an armed force or member of an armed force without component who dies while on active duty; (2) any Reserve of an armed force who dies while (a) on active duty, (b) while performing authorized travel to or from that duty, (c) on authorized inactive duty, or (d) hospitalized or undergoing treatment at the expense of the United States for injuries incurred, or disease contracted while on that duty or training or while performing that travel; (3) any member of the Army National Guard or Air National Guard who dies while entitled to pay from the United States while meeting the conditions listed above for Reservists; (4) any member of, or applicant for membership, in a Reserve Officers' Training Corps who dies while (A) attending a training camp, (B) on an authorized practice cruise, (C) performing authorized travel to or from such a camp or cruise, or (D) hospitalized or undergoing treatment at the expense of the United States for injury incurred, or disease contracted, while attending such a camp, while on such a cruise, or while performing that travel; (5) any accepted applicant for enlistment in an armed force; (6) any person who has been discharged from an enlistment in an armed force under his jurisdiction while a patient in a United States hospital and who continues to be such a patient until the date of his death; (7) any retired member of an armed force under his jurisdiction who becomes a patient in a United States hospital while he is on active duty for a period of more than 30 days and who continues to be such a patient until the date of his death; and (8) any military prisoner who dies while in the custody of the Secretary concerned.

In addition, the Administrator of the Veterans Administration can furnish a flag to any deceased veteran who (1) is a veteran of any war, or of service after

January 31, 1955; (2) had served at least one enlistment; or (3) had been discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty.

The Department of Defense considers it desirable and appropriate to furnish a flag in every case in which a member of the National Guard or a member of the Ready Reserve dies under honorable conditions and on which the next of kin or other appropriate person requests one. The fraternity of the military does not draw the line depending on the cause or time of death where the circumstances are honorable. They believe that such displays of reverence and affection increase the morale of the military, and remind the public of the service performed by the citizen soldier in their midst.

However, the Department of the Army in behalf of the Department of Defense has submitted a substitute bill, including a change of title. The Selected Reserve is only a part of the Ready Reserve. As the Ready Reserve includes many dedicated members who contribute considerably to the national security but are not within the Selected Reserve, they have recommended that this recognition of service performed not be limited to the National Guard and Selected Reserve. In this connection, since the Air National Guard of the United States and the Army National Guard of the United States (which includes all Federally recognized National Guard units) are components of the Ready Reserve of the Army and Air Force, respectively, they believe it is unnecessary to specify "National Guard" membership in addition to Ready Reserve membership as the basis for entitlement to a flag. Thus, they have in their revised draft of the bill, incorporated changes which reflect these views. A copy of both the original bill and the revised bill are before you.

While the cost of this bill is difficult to predict with certainty, based on the value of an interment flag at \$11.20, the maximum cost is expected to be no more than \$16,000 annually. This would cause no apparent increase in the budgetary requirements of the Department of Defense.

Our first witness this morning is Lt. Col. Lloyd L. Lyvatt, Chief of Field Policy Division, Office of The Adjutant General, Department of the Army.

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The second bill we shall consider this morning is S. 1038, providing for travel and transportation allowances to certain members of the uniformed services in connection with leave, specifically such leave as is taken between two consecutive overseas assignments when at least one of those assignments is without dependents.

As the Members will recall, this Committee and the House passed similar legislation in the last Congress (H. R. 3542) but the Senate failed to act on that measure. The author of that legislation, our colleague The Honorable William S. Broomfield, has introduced similar legislation in this Congress (H.R. 3598) and, without objection, his statement on this legislation will be inserted at the appropriate point in the transcript of these hearings.

S. 1038 is, in essence, the same bill. Its purpose is to permit service members to assist their dependents in the packing, relocation, and establishment of a new residence coincident with the member's consecutive overseas assignment. If the member is without dependents, the bill would authorize similar benefits for the purpose of returning to visit his family between overseas assignments. In these cases, the benefits may not exceed the amount to which the bachelor would have been eligible had he, or she, returned to the home of record. The reason for this clause is that, while the home of record for the service member might be at one place, his family, in the interim between enlistment and this assignment, may have moved to another location.

The Senate included language in its Report (93-523) which limits the option of the service member as to the choice of location at which to spend well-earned leave to the residence of family members. It also limits the Governmental liability for costs associated with such travel.

The bill also provides that such travel as may be utilized under the provisions of the legislation be made in a duty status. Thus, the member is not required to

waste his annual leave time awaiting transportation either from his overseas station to home or from his home to his next designated post of duty.

The witness for the Department of Defense on this bill is Lieutenant Colonel John M. Gasper from the Office of the Army Deputy Chief of Staff for Personnel.

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A BILL

To amend title 10, United States Code, to provide for the presentation of a flag of the United States for deceased members of the Ready Reserve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1482 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(f) The Secretary concerned may pay the necessary expenses for the presentation of a flag to the person designated to direct the disposition of the remains of a member of the Ready Reserve of an armed force under his jurisdiction who is not covered by section 1481 of this title and who dies under honorable circumstances as determined by the Secretary."